



1700 East Putnam Avenue, Suite 400, Greenwich, Connecticut 06870-1366  
t: +1 203 302 4100  
f: +1 203 869 0558  
[www.withersworldwide.com](http://www.withersworldwide.com)

December 27, 2019

Electronically Filed

Hon. Denise L. Cote  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**MEMO ENDORSED**

denied. As explained in the  
12/13/19 Order, the 4/3/20  
dates are firm. The parties  
may extend prior dates  
in reason.

Denise Cote  
12/30/19

Re: *The Better Angels Society, Inc. v. Institute for American Values*  
Docket No. 1:19-cv-03285-DLC

Dear Judge Cote:

Since the Court's entry on November 15, 2019 of partial summary judgment as to liability in favor of Plaintiff The Better Angels Society, Inc. ("TBAS" or "Plaintiff") on its federal trademark infringement claim, the parties and their counsel have been involved in ongoing, good faith settlement discussions.

Counsel and the parties are scheduled to have a settlement conference with Magistrate Judge Netburn on January 16, 2019. It is the parties' intention to continue to use their respective best efforts to try and resolve all aspects of this action by settlement to hopefully obviate the need for further active litigation.

In order to facilitate this settlement-focused process in the near term, and to enable the parties and their counsel to focus their time, efforts, and resources towards ongoing settlement, counsel for the parties jointly request that the Court enter a stay of this action (including, without limitation, all discovery and any applicable procedural deadlines, if any) up through and including Friday, January 17, 2020.

Additionally, prior to any entry by the Court of the above referenced stay, the parties also jointly request that the Court extend the fact and expert discovery periods, and other case related deadlines established by the December 13, 2019 Amended Scheduling Order (Dkt. No. 80), as follows:

Deadline	Existing Date	New Date
Fact Discovery Cut-Off	January 17, 2020	March 17, 2020
Initial Expert Disclosures	January 31, 2020	April 1, 2020
Rebuttal Expert Disclosures	February 21, 2020	April 22, 2020
All Discovery Complete	March 17, 2020	May 15, 2020
Summary Judgment Motions	April 3, 2020	June 3, 2020
Summary Judgment Opposition	April 24, 2020	June 26, 2020
Summary Judgment Reply	May 8, 2020	July 7, 2020

Withersworldwide

London Geneva Zurich Milan Padua  
Hong Kong Singapore Tokyo British Virgin Islands  
New York Greenwich New Haven San Francisco  
Los Angeles Rancho Santa Fe San Diego

Withers SBL  
Melbourne Sydney

Pretrial Order Compliance (if no motion)	April 3, 2020	June 3, 2020
--	---------------	--------------

Alternatively, if Plaintiff notifies Defendant and the Court by January 24, 2019 that Plaintiff is withdrawing its remaining claims other than the Second Count of its First Amended Complaint for which Plaintiff was awarded summary judgment as to liability (which withdrawal would be without prejudice), then the parties request that the Court approve the following schedule in lieu of the proposed schedule on the preceding page:

Deadline	Date
Plaintiff Files all Legal Memoranda, Supporting Declarations and Legal Fee Application in Support of Any Final Relief sought on Second Count of Complaint	February 10, 2020
Defendant Files Memoranda and any Declarations in Opposition to any Final Relief demanded by Plaintiff	March 12, 2020
Plaintiff's Reply	March 26, 2020
Oral Argument and/or Evidentiary Hearing (if necessary) – at Court's convenience	April [ ], 2020

We thank the Court in advance for its consideration of this request.

Respectfully submitted,

/s/ James Nealon  
James Nealon  
WITHERS BERGMAN  
430 Park Avenue, 10th Floor  
New York, New York 10022  
Tel: (212) 848-9800  
Fax: (212) 848-9888  
[James.nealon@withersworldwide.com](mailto:James.nealon@withersworldwide.com)

*Counsel for Defendant*